

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER MICHAEL ARENA,

Plaintiff,

v.

CERVANTES, *et al.*,

Defendants.

No. 1:21-cv-00928-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS

(Doc. No. 10)

Plaintiff Peter Michael Arena is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 11, 2021, the assigned magistrate judge screened plaintiff's complaint and issued findings and recommendations that plaintiff this action proceed on plaintiff's complaint against defendants Cervantes, Berlanga, Cerda-Jirano, Moreno, and Ceja for excessive force in violation of the Eighth Amendment, but failed to state any other cognizable claims. (Doc. No. 10.) The magistrate judge further recommended that all other claims be dismissed from this action based on plaintiff's failure to a state claim upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 5–6.) No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on August 11, 2021, (Doc. No. 10), are
6 adopted in full;
- 7 2. This action shall proceed on plaintiff's complaint, filed June 14, 2021, (Doc. No. 1),
8 against defendants Cervantes, Berlanga, Cerda-Jirano, Moreno, and Ceja for excessive
9 force in violation of the Eighth Amendment;
- 10 3. All other claims are dismissed from this action for failure to state a claim upon which
11 relief may be granted; and
- 12 4. This action is referred back to the magistrate judge for proceedings consistent with this
13 order.

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15 IT IS SO ORDERED.

16 Dated: September 17, 2021

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19 UNITED STATES DISTRICT JUDGE
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